



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

**5 Post Office Sq., Suite 100
BOSTON, MA 02109-3912**

November 16, 2011

Kenneth L. Kimmell, Commissioner
Massachusetts Department of Environmental Protection
1 Winter Street
Boston, MA 02108

Re: Massachusetts' 2010 Clean Water Act §303(d) List

Dear Mr. Kimmell:

Thank you for Massachusetts' submittal of the State's 2010 Clean Water Act (CWA) §303(d) list. In accordance with §303(d) of the CWA and 40 CFR §130.7, the U.S. Environmental Protection Agency (EPA) conducted a complete review of Massachusetts' 2010 §303(d) list. Based on this review, EPA has determined that Massachusetts' 2010 §303(d) list of water quality limited segments still requiring total maximum daily loads (TMDLs) meets the requirements of CWA §303(d) and EPA's implementing regulations. Therefore, EPA hereby approves Massachusetts' decision to include the waters the Commonwealth placed in Category 5 of Massachusetts' 2010 integrated list of surface waters, as well as Massachusetts' decision to remove specific waters from the 2010 list.

The submittal includes a list of those waters for which technology-based and other required controls for point and nonpoint sources are not stringent enough to attain or maintain compliance with the State's Water Quality Standards. The submittal also presents Massachusetts' TMDL strategy, which describes a priority-setting approach and identifies those waters for which TMDLs will be completed and submitted to EPA over time. The statutory and regulatory requirements, and EPA's review of Massachusetts' compliance with each requirement, are described in detail in the enclosed approval document.

The Massachusetts Department of Environmental Protection (MassDEP) also successfully completed a public participation process in 2010 during which the public was given the opportunity to review and comment on the Commonwealth's proposed §303(d) list. As a result of this effort, Massachusetts has considered public comments in the development of the final list. A summary of the public comments and MassDEP's response to comments were included in the final submittal.

We appreciate the effort that MassDEP has devoted to preparation of the 2010 §303(d) list and population of EPA's Assessment Database (ADB) from which the list is generated. My staff and I look forward to continued cooperation with MassDEP in implementing the requirements under CWA §303(d). Please feel free to contact me or Mary Garren at (617-918-1322) if you have any questions or comments on our review.

Sincerely,

/s/

Stephen S. Perkins, Director
Office of Ecosystem Protection

Enclosure

cc: Rick Dunn, MassDEP
Arthur Johnson, MassDEP
Rick McVoy, MassDEP
Mary Garren, EPA Region 1
Greg Dain, EPA Region 1
Ann Williams, EPA Region 1
Stephen Silva, Chief, Water Quality Branch, EPA Region 1